

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE

MICHAEL NINIVAGGI, JAKE MICKEY
and CAILIN NIGRELLI, individually and
on behalf of all others similarly situated,

Civil Action No. 20-cv-1478-SB

Plaintiffs,

v.

UNIVERSITY OF DELAWARE,

Defendant.

HANNAH RUSSO, individually and on
behalf of all others similarly situated,

Civil Action No. 20-cv-1693-SB

Plaintiff,

v.

UNIVRESITY OF DELAWARE,

Defendant.

DECLARATION OF JAKE MICKEY
IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

I, Jake Mickey, declare as follows:

1. The statements made in this Declaration are based on my personal knowledge and, if called as a witness, I could and would testify thereto.
2. I am one of the representative plaintiffs in this class action. This Declaration is given in support of my request that the court certify this case as a class action, appoint Plaintiffs as class representatives, and appoint Plaintiffs' counsel as class counsel.
3. I am a citizen of New Jersey who resides in Milford, New Jersey
4. I paid the University of Delaware ("UD") approximately \$19,325 in tuition and fees for the Spring Semester 2020. This payment was made by my parents on my behalf from a 529 college savings account held in my name.
5. Prior to Spring Semester 2020, I reviewed my options for classes on UD's online course catalog website.
6. While searching for classes on that website prior to Spring Semester 2020, I saw that courses I was interested in taking were listed as "In Person" under "Instruction Mode."
7. I also saw that the courses I was interested in taking were listed as "Course Location: Main Campus (SA-NEWARK)", indicating the courses would be held at UD's main campus.
8. Based on these course descriptions, I understood that UD was promising to provide me with in-person classes.
9. After March 11, 2020 however, UD provided me only with online classes.
10. To date, UD has refunded me just \$184.42 of that payment.
11. I am aware of my duties as a class representative, and do not believe there is any reason why I would not be able to represent the class. I have already testified at a deposition, and

I am willing and able to testify at trial.

12. I have consulted with my counsel periodically to review, discuss, and determine the actions to be taken and decisions to be made in pursuit of this case on behalf of all class members. I have reviewed and commented on pleadings. I have collected documents responsive to Defendant's requests for production and I have coordinated with my lawyers to respond to Defendant's interrogatories. I maintain frequent contact with counsel regarding the status of this case. Based on these interactions and my relationship with my counsel, I believe my counsel has fairly and adequately represented the putative classes and will continue to do so.

13. I understand that, as a class representative, I have an obligation to assert and protect the interests of other class members and not act just for my own personal benefit. I do not have any conflict with other class members. I will do my best to protect the interests of other class members and will fairly and adequately represent the class to the best of my ability.

I declare under penalty of perjury under the laws of the United States and the State of New Jersey that the foregoing is true and correct. Executed on June 28, 2022 at Milford, New Jersey.



Jake Mickey (Jun 28, 2022 16:18 EDT)

JAKE MICKEY

2022.06.028 J. Mickey Declaration ISO Class Cert

Final Audit Report

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